
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiffs,

v.

THE ESTATE OF STEPHEN ROMNEY
SWENSEN and CREW CAPITAL
GROUP, LLC, a Nevada limited liability
company,

Defendants,

WENDY SWENSEN, an individual;
SARIA C. RODRIGUEZ, an individual;
WS FAMILY IP, LLC, a Utah limited
liability company; WINGMAN, LLC, a
Utah limited liability company; and
SWENSEN CAPITAL, LLC, a Utah
limited liability company,

Relief Defendants.

**ORDER FOR SUPPLEMENTAL
BRIEFING**

Case No. 1:22-cv-00135-RJS-DBP

Chief District Judge Robert J. Shelby

Chief Magistrate Judge Dustin B. Pead

In her Motion to Modify Stipulated Order Freezing Assets,¹ Relief Defendant Wendy Swensen requests the court modify the Stipulated Order² freezing her assets to exclude the proceeds of life insurance policies for which she was a named beneficiary. Relief Defendant Swensen argues the modification is appropriate because under Utah law—citing the Utah Exemptions Act³ and a Utah Supreme Court decision⁴—the Securities and Exchange

¹ Dkt. 46, *Relief Defendant Wendy Swensen's Motion to Modify Stipulated Order Freezing Assets (Motion)*.

² Dkt. 27, *Stipulated Order Freezing Assets, Requiring an Accounting, Protecting Documents, and Preliminary Injunction Against Crew Capital Group, LLC*.

³ Utah Exemptions Act, UTAH CODE ANN. § 78B-5-501.

⁴ *Thum v. Wolstenholme*, 21 Utah 446, 61 P. 537 (Utah 1900).

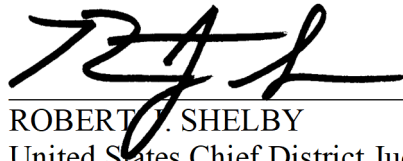
Commission (the Commission) “has no legal basis to assert a claim” over the life insurance proceeds.⁵ The court ORDERS supplemental briefing on the following questions:

- 1) Does federal or state law control the scope and standards governing an asset freeze imposed pursuant to a Commission enforcement action?⁶
- 2) If federal law controls, how does that affect Relief Defendant Swensen’s argument for modification of the asset freeze?

The court orders Relief Defendant Swensen, the Commission, and Receiver Chad S. Pehrson to each file a supplemental brief with no more than ten pages of argument. The briefs are due by the end of day on Friday, January 12, 2024.

SO ORDERED this 26th day of December 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', is written over a horizontal line.

ROBERT J. SHELBY
United States Chief District Judge

⁵ *Motion* at 9.

⁶ *See, e.g., SEC v. Hickey*, 322 F.3d 1123, 1131 (9th Cir. 2003); *SEC v. Unifund SAL*, 910 F.2d 1028, 1041 (2d Cir. 1990); *SEC v. Musella*, 818 F. Supp. 600, 603 (S.D.N.Y. 1993); *SEC v. McGinn*, No. 10-CV-457, 2010 WL 11469814, at *2 (N.D.N.Y. Dec. 15, 2010); *SEC v. Solow*, 682 F. Supp. 2d 1312, 1325 (S.D. Fla. 2010); *SEC v. Nat. Diamonds Inv. Co.*, No. 9:19-cv-80633-ROSENBERG, 2019 WL 2583863, at *8–9 (S.D. Fla. June 11, 2019).